

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-3, 5-7 and 9-19 are pending and stand rejected. Claims 1, 9 and 18 have been amended. Claims 5 and 17 have been cancelled.

Claims 1-3, 5-7, and 9-19 stand rejected under 35 USC 103(a) as being unpatentable over Okada (USP no. 5,809,454) in view of Itakura (USP no. 5,901,149).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, the independent claims 1, 9 and 18 have been amended to more clearly state the invention. More specifically, claims 1, 9, and 18 have been amended to recited that the "reference value is adapted in dependence on the variations of the difference value." No new matter has been added. Support for the amendment may be found in claims 5 and 17.

With regard to amended claim 1, which includes subject matter recited in claim 5, applicant submits that claim 1, as amended, is not rendered obvious by the cited references although both independent claim 1 and dependent claim 5 were rejected by the cited references.

Okada discloses an audio reproducing apparatus that includes an audio decoder and a voice speed converting unit. The device of Okada provides a means for synchronizing an audio track with a video track when the playback speed is either in a fast forward mode or a slow play mode. Okada teaches that "when the bit rate of the [input] system stream is greater than that in a normal playback mode, the bit rate of audio signals becomes greater and when the bit rate of the [input] system stream is smaller ... the [output] bit rate ... becomes smaller." (see col. 6, lines 47-52). Okada teaches that in the fast playback mode, the audio bit stream is faster than the normal rate and the voice speed is made to approach that of the normal playback mode by a compression of the speech intervals. (See col. 8, lines 56-67). This compression factor is from the playback speed "m" to a factor of 1. However, in the slow playback mode, the bit rate becomes lower than the normal playback mode and soundless intervals are placed between sound intervals. The length (L2) of the sound intervals is set by a fixed ratio to the time length (L1) of a sound interval in the normal playback mode (see col. 9, lines 50-52). Hence, in

this mode, the output bit rate matches the input bit rate, and the length of soundless intervals is adjusted to compensate for the slower bit rate.

In determining the process performed to generate the output signal, Okada further teaches using a difference between an upcounter and downcounter, wherein the upcounter counts the total number of pulses of a write clock and the downcounter counts the total number of read clock pulses. "The difference (i.e., count value) indicating the storage amount in the ring memory." (see col. 7, lines 20-32). Hence, Okada teaches that to determine whether the input stream is greater or less than the normal playback, an absolute difference between the input and output values is used to determine whether compression or expansion is performed on the output signal.

Hence, Okada fails to disclose or suggest adjusting the output bit rate based on the difference of data in the memory as the Okada teaches the output rate being the substantially the same as the input with compressed sound intervals when the input rate is high and extends the soundless intervals when the rate is low. Okada further fails to disclose the use of the comparison of the input rate to a reference value to determine whether to perform compression of sound or expansion of soundless intervals. Further, Okada fails to disclose adjusting the reference value on the variations of the difference value.

Itakura discloses a decoding system in which a system clock is generated based on a time stamp contained in the transmission data, which is stored in a storage unit. The read-out of the data from the storage unit is larger when the storage is greater than a predetermined reference value and lower when the storage amount is smaller than the predetermined reference value. Hence, Itakura discloses a system that varies the output rate (presenting rate) based on the amount of data available for presentation but is independent of the reception rate. Itakura fails to disclose adjusting the presentation rate based on the reception rate or adjusting "the reference value [is adapted] in dependence on the variations of the difference value," as is recited in the claims.

Neither Okada nor Itakura, individually or in combination, discloses or suggests all the elements of the present invention. Further, even if the devices of Okada and Itakura were combined, as suggested, the combined device would not disclose all the

elements of the invention recited in claim 1, as amended. For example, even if there was some motivation to combine the references, the combined device would not adjust the reference value based on the difference in the packet delay and a reference value, as is recited in the claims.

Having shown that the combined device resulting from the teachings of the cited references does not include all the elements of the present invention, applicant submits that the reason for the rejections has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of claim 1.

With regard to independent claims 9 and 18, these claims recite subject matter similar to that recited in claim 1 and have been rejected citing the same references used in rejecting claim 1. Accordingly, applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of claims 9 and 18. Thus, in view of the amendments made to the claims and for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claims 9 and 18, applicant submits that the reason for the rejection of these claims has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.


With regard to the remaining claims, these claims ultimately depend from independent claims 1, 9 and 18, respectively, which have been shown not to be rendered obvious, and allowable, in view of the cited references. Accordingly, the aforementioned claims are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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